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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/010,819 01/27/98 OUDERKIRK

A 50371USA5C

EXAMINER

MMC2/0313

SHAEFER, R

ART UNIT	PAPER NUMBER
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2872

DATE MAILED:

03/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No.	09 013,819	Applicant(s)	ON DURKIERIC ET AL
Examiner	R D SHAFER	Group Art Unit	2872

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 months MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

Responsive to communication(s) filed on 12/4/00

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

Claim(s) 1-9, 13, 14 AND 48 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-9, 13, 14 AND 48 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413

Notice of References Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

Art Unit: 2872

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 9, 14 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by

Kondo et al ('526).

Kondo et al discloses an optical polarizer comprising a reflective polarizer (7) including first and second materials (I, II), at least one of the first and second materials being birefringent such that a refractive index difference between the first and second materials substantially reflects light having the first polarization and transmits light having the second polarization and an absorbing polarizer (13) laminated to the reflective polarizer, note by example only Fig. 7, wherein said first and second materials of said reflective polarizer can be polymeric. See column 4, lines 16-50.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 7 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto ('626) in view of Schrenk et al ('949).

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Matsumoto discloses a reflective polarizer (2) which transmits light having a first polarization orientation and reflects light having a second polarization orientation and absorbing polarizer (9) positioned in an optical path of said reflective polarizer, note figures 1 and 2, except for explicitly stating that the reflective polarizer includes first and second polymeric materials wherein at least one of the first and second materials is birefringent.

*r05* Schrenk et al teaches it is known to use a reflective polarizer having first and second materials, polymeric wherein at least one of the first and second materials is birefringent such that the two materials exhibit a refractive index difference in the same field of endeavor for the purpose of linearly polarizing a large portion of incident light with little light absorption.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reflective polarizer of Matsumoto to include the reflective polarizer of Schrenk et al in order to linearly polarize a large portion of incident light with little light being absorbed or alternating modify the reflective polarizer of Schrenk et al to include a absorbing polarizer as taught by Matsumoto in order to selectively select a particular polarization component of interest, based on the particular end use.

*r05* As to the limitations 5 and 7, it well known to manufacture <sup>polarizers</sup> comprising a polymeric material mixed with a Dichroic dye in the same field of endeavor for the purpose of obtaining an absorbing polarizer.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the absorbing polarizer of Matsumoto to

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*105* include a typical polymeric layer of material mixed with a dichroic <sup>dye</sup> as is commonly used and employed in the polarizing art in order to transmit light having a first polarization orientation while absorbing light having the second polarization orientation.

3. Claims 3-7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al ('526).

Kondo et al discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the absorbing polarizer includes a polymeric material mixed with a dichroic dye.

*105* It is well known to manufacture <sup>polarizers</sup> comprising a polymeric material mixed with a dichroic dye in the same field of endeavor for the purpose of obtaining an absorbing polarizer.

Therefore, it would have been obvious and/or within the level of one of ordinary skill in the art at the time the invention was made to modify the absorbing polarizer of Kondo et al to include a typical polymeric layer of material mixed with a dichroic <sup>dye</sup> as is commonly used and employed in the polarizing art in order to transmit light having a first polarization orientation while absorbing light having the second polarization orientation.

4. Any inquiry concerning this communication should be directed to R. D. Shafer at telephone number (703) 308-4813.

Shafer/nt *105*

2-27-01

*R. D. Shafer*  
RICKY D. SHAFER  
PATENT EXAMINER  
ART UNIT 2872